

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**1:06CR30-1**

**1:06cr30-2**

**UNITED STATES OF AMERICA,**

**Vs.**

**BILLY JOE SANDERS; and  
TAMMIE RAINES SANDERS.**

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**ORDER**

**THIS MATTER** is before the court upon defendants' "Motion" (#39). From the outset, it appears that defendants have failed to include in such motion a certificate of service, and the court will deny such motion summarily for such procedural failure. Further, the information defendants seek to have this court disclose - - results of drug screens conducted by pretrial services - - is not for use in this criminal case and is, by law, "confidential." 18 U.S.C. § 3153. No exception to Section 3153 confidentiality is provided for defendants' intended use of such material, i.e., a civil custody proceeding in state court. Section 3153 provides in relevant part, as follows:

- (1) Except as provided in paragraph (2) of this subsection, information obtained in the course of performing pretrial services functions in relation to a particular accused shall be used only for the purposes of a bail determination and shall otherwise be confidential. Each pretrial services report shall be made available to the attorney for the accused and the attorney for the Government.
- (2) The Director shall issue regulations establishing the policy for release of information made confidential by paragraph (1) of this subsection. Such regulations shall provide exceptions to the confidentiality requirements under paragraph (1) of this subsection to allow access to such information—

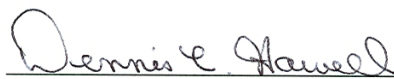
- (A) by qualified persons for purposes of research related to the administration of criminal justice;
- (B) by persons under contract under section 3154 (4) of this title;
- (C) by probation officers for the purpose of compiling presentence reports;
- (D) insofar as such information is a pretrial diversion report, to the attorney for the accused and the attorney for the Government; and
- (E) in certain limited cases, to law enforcement agencies for law enforcement purposes.

18 U.S.C. § 3153(c). Having considered defendants' Motion and reviewed the pleadings, the court enters the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that defendants' Motion is **DENIED**.

Signed: November 6, 2006

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Dennis L. Howell  
United States Magistrate Judge

